

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ROBERT WALSH,  
Plaintiff,  
v.  
BRIAN WILLIAMS, SR., et al.,  
Defendants.

Case No.: 2:24-cv-01638-APG-BNW

**ORDER**  
(ECF No. 1)

On September 5, 2024, pro se plaintiff Robert Walsh, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). The Court denies Plaintiff's application without prejudice because **the financial certificate and trust fund account statement that Plaintiff provided are both nearly a year old**. Plaintiff must file current financial documents showing the current state of his prison trust fund, rather than the state of his trust fund nearly a year ago. The Court will give Plaintiff the opportunity to correct this deficiency **by November 25, 2024**.

**I. DISCUSSION**

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the

1 inmate's prison or jail trust fund account statement for the previous six-month  
 2 period. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*  
 3 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means  
 4 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

5 As explained above, Plaintiff's application to proceed *in forma pauperis* is  
 6 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*  
 7 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing  
 8 fee or file a new fully complete application to proceed *in forma pauperis* with all three  
 9 required documents.

## 10 II. CONCLUSION

11 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)  
 12 is denied without prejudice.

13 It is further ordered that Plaintiff has **until November 25, 2024**, to either pay the  
 14 full \$405 filing fee or file a new fully complete application to proceed *in forma pauperis*  
 15 with all three required documents: (1) a completed application with the inmate's two  
 16 signatures on page 3, (2) a completed financial certificate that is signed both by the  
 17 inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account  
 18 statement for the previous six-month period.

19 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
 20 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
 21 to refile the case with the Court, under a new case number, when Plaintiff can file a  
 22 complete application to proceed *in forma pauperis* or pay the required filing fee.

23 The Clerk of the Court is directed to send Plaintiff Robert Walsh the approved form  
 24 application to proceed *in forma pauperis* for an inmate and instructions for the same and  
 25 retain the complaint (ECF No. 1-1) but not file it at this time.

26 DATED THIS 26 day of September 2024.

27   
 28 UNITED STATES MAGISTRATE JUDGE